

1 A I don't remember what day it was, but yes, I did talk  
2 to them, and that was when I was with my tia Sofia.

3 Q Okay. Who did you talk to on the phone?

4 A Manual.

5 Q Okay. Was that the -- did you call first or did you go  
6 down there in person first?

7 A No, I called first.

8 Q And you don't remember what day that was?

9 A No.

10 Q Okay. On that first conversation that you had with  
11 Manuel, what did you discuss?

12 A You know what, I didn't go down there -- I mean, I  
13 didn't call. I went straight down there, now that I remember.

14 Q Okay. So then as we go down on page 3, two paragraphs  
15 below that it says, "On December 1st, 2001 I met with the U.S.  
16 Patrol Officer Manuel Sanchez, and told him that I wanted to  
17 report my baby's father," do you see where I'm at?

18 A No.

19 Q About halfway down the page on December 1st.

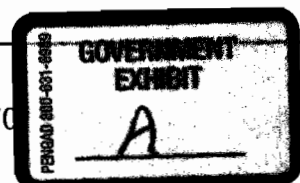
20 A Oh, okay.

21 Q Okay?

22 A Yes, me and my tia had went down there personally.

23 Q Okay. So before December 1st, 2003 you didn't have any  
24 phone conversations with the Border Patrol, correct?

25 A No.



1 Q No, that's not correct or no, that is correct?

2 A No, that's not correct, I didn't call them or anything.

3 Q Okay. Let me make sure you understand my question. So  
4 before December 1st, 2003, you never had a phone conversation  
5 with Border Patrol, correct?

6 A No -- yes, yes.

7 Q Yes, that's correct?

8 A Yes.

9 Q Okay. So the first time that you ever met and talked  
10 with Border Patrol would be as you state here, December 1st,  
11 2003 when you met with Manuel Sanchez?

12 A Yes.

13 Q Okay. And at that time you told them Omar was the  
14 baby's father, correct?

15 A Yes.

16 Q What was the conversation that you had with Manuel  
17 Sanchez on December 1st, 2003?

18 A Me and my tia went in there and they -- he escorted us  
19 to his office, and I told him that his dad was illegal and that  
20 I wanted my daughter back. He didn't want to give her back to  
21 me. So -- and I told him also that she was -- that she was  
22 legal like me and that he was illegal. And he asked me for the  
23 father's name and I told him the father's name. He went to the  
24 back of his office and he brought me a manilla folder and it  
25 had -- I don't know how thick it was, I don't remember, and on

1 Q After December of 2003?

2 A No.

3 Q What else did you discuss with Manuel Sanchez on  
4 December 1st, 2003?

5 A That was about it, that I wanted my daughter back and  
6 if he can help me get her back, and he told me he can.

7 Q When he showed you the picture, did he say anything  
8 about what Omar was wanted for?

9 A No -- yes, he did. He told me he was wanted for  
10 questioning in a homicide.

11 Q Okay. Did he tell you that he was wanted for the  
12 homicide or just --

13 A No, questioning.

14 Q -- just a witness in the homicide?

15 A Yes.

16 Q A witness, correct?

17 A Yes.

18 Q Okay. Anything else that you discussed with officer --  
19 with Manuel Sanchez at that time on December 1st, 2003?

20 A Just that he asked my aunt if -- well, he asked me if  
21 he was a good father to the baby, and I said yes, and my aunt  
22 went along with it and also said yes, because she had met him  
23 one time.

24 Q So you told Manuel Sanchez on December 1st, 2003 that  
25 Omar was a good father to the baby, correct?

1 A Yes.

2 Q And --

3 A Because he had asked me.

4 Q Okay. Manuel Sanchez specifically asked you that?

5 A Yes.

6 Q Okay. The aunt that went with you on this occasion,  
7 was that Sofia?

8 A Yes.

9 Q Did Manuel Sanchez ask Sofia any questions?

10 A No.

11 Q Okay. He didn't ask -- you said something about she  
12 went along with it?

13 A Yes, when -- because she had said -- she met him one  
14 time and when he asked me if he was a good father to the -- to  
15 the baby, I said yeah, he was. He wasn't abusive to her. And  
16 she said, "Well, he seemed like a good father," that's all my  
17 tia said.

18 Q Okay. So she also said --

19 A Yes.

20 Q She just volunteered that information?

21 A Yes.

22 Q That Omar seemed like a good father?

23 A Yes.

24 Q Any other conversations you had with Manuel Sanchez on  
25 December 1st that we haven't talked about?

1 Q Okay. On this next page, about midway it says, "I know  
2 it's not her. It's her dad and his family." And you're  
3 talking about not being able to see her, correct?

4 A Yes.

5 Q Let me show you what I've marked as Defendant's Exhibit  
6 Number 2.

7 (Whereupon Deposition Exhibit No. 2 was identified)

8 Q At the bottom of the page in March of 2005 you felt,  
9 "But I know what I did probably wasn't right, but I was so  
10 confused. I didn't know what to do. I just wanted to leave  
11 and be with my baby girl," correct?

12 A Yes.

13 Q And again, when you talk about, "What I did probably  
14 wasn't right," are you talking about reporting Omar to the  
15 Border Patrol --

16 A Yes.

17 Q -- to get custody? Let me show you what I've marked as  
18 Defendant's Exhibit Number 1.

19 (Whereupon Deposition Exhibit No. 1 was identified)

20 Q This again is another page from your journal, correct?

21 A Yes.

22 Q And you state in there, "Sometimes I blame myself for  
23 what I did or I would have her now," correct?

24 A Yes.

25 Q And again, you're talking about using Border Patrol to

1 try to get custody of your child?

2 A Yes.

3 Q When you first met with Manuel Sanchez on December 1st,  
4 2003, he did tell you that you would have to be present when  
5 Border Patrol picks up Omar to get the baby, correct?

6 A Yes.

7 Q That's the first thing he told you, correct? This is  
8 an affidavit that if you look on the last page, page 5, is that  
9 your signature?

10 A Yes.

11 Q Okay. And it appears as the affidavit used in your  
12 divorce proceedings, correct?

13 A Yes.

14 Q Okay. And to get custody, correct?

15 A Yes.

16 Q Let me show you what is marked as Defendant's Exhibit  
17 Number 12.

18 (Whereupon Deposition Exhibit No. 12 was identified)

19 Q In the second to bottom paragraph, "I saw that Omar had  
20 Rosa Maria in his arms and the Border Patrol agents took her  
21 with them," do you see that?

22 A Which one?

23 Q Go to the -- here, let me just point to it for you.  
24 Right here, (pointing)

25 A No.